

REMARKS

The Office Action mailed 16 August 2004 rejected claims 25-27, i.e., all of the claims pending in the application, as anticipated by either Kokai JP 1-237952 ("Otaka") or US Patent 5,027,335 ("Deis"). The undersigned respectfully requests reconsideration.

A separate petition for a three-month extension of time accompanies this amendment. A check enclosed with the petition partially covers the extension fee; the Office may charge any additional extension fees or any other fees deemed necessary by this amendment to Deposit Account No. 50-0665.

I. Amendments

The present amendment amends claims 25-27 and adds new claims 28-35. This amendment should not necessitate any additional claims fees.

II. Applied Art

In the present Office Action, the Examiner relies on two references, Otaka and Deis. Otaka suggests two different automatic disk exchange apparatus. In the apparatus shown in Figures 1-3, a single drive mechanism 3 is positioned in the center of a circular loading shed 2. A single feed part 50 is employed to feed a disk 1 into a single gateway 32 of the drive mechanism 3. A complex, pulley-driven switching part 40 must be engaged to turn the entire drive mechanism within the loading shed 2 to permit the same drive mechanism 3 to read the other side of the disk 1. If the obverse side is to be read, the disk 1 is not loaded until the entire drive mechanism has been turned. As a consequence, the orientation of the disk 1 with respect to the carousel remains constant even though the drive mechanism is turned.

Figure 4 of Otaka illustrates an alternative design that uses two separate, spaced-apart drive mechanisms 3 aligned radially within the hollow part of the loading shed 2. These separate drive mechanisms 3 are designed to allow simultaneous recording or playback from multiple disks. The loading shed 2 in Figure 4 is necessarily substantially larger than the loading shed 2 of Figures 1-3 to accommodate two

separate drive mechanisms and increased loading capacity. There is no explanation of the relative orientation of the drive mechanisms 3 that would suggest how they may be used to read dual-sided disks.

Deis suggests a read apparatus for reading optically readable information disks. It employs a turret magazine that is rotatable in a vertical plane. Deis states that "[i]t is the object of the invention to simplify a read apparatus." (Column 1, lines 31-32). To achieve that objective, Deis stresses that "no drive means are needed, because this is achieved by gravity." (Column 1, lines 52-53). In particular, Deis's simplified design allows disks to simply drop through a loading funnel 13 and an unloading funnel 17.

III. Claims 25 and 28-31

Claim 25 calls for a method of handling an optical disk in which the optical disk is held in a carrousel. The optical disk is delivered from the carrousel to a location within the carrousel by translating it in a first direction. The optical disk is rotated about an axis that is substantially perpendicular to the disk rotational axis and delivered from the location to the carrousel by translating it in a direction opposite to the first direction.

In rejecting claim 25, the Examiner pointed to Otaka's disk playback as teaching rotation of the disk. As clarified, claim 25 calls for rotating the disk about an axis that is substantially perpendicular to the axis about which the disk would be rotated to read data. This distinctly differs from Otaka's disk playback, so Otaka cannot anticipate claim 25. Further, Otaka's system rotates the entire drive mechanism 3 to read a different side of the disk and doing so does not change the orientation of the disk 1 with respect to the loading shed 2. Since nothing in either of the applied references would lead one skilled in the art to modify Otaka to carry out the method of claim 25, claim 25 is unobvious over Otaka. Claims 28-31 depend from claim 25 and are patentable at least by virtue of their dependence from an allowable base claim.

IV. Claim 26

In the method of claim 26, an optical disk is held in a carrousel. If data from the first side of the optical disk is to be read, then the optical disk is delivered to an optical reader and reading the data. If data from the second side of the optical disk is to be

read, then: the optical disk is delivered from the carrousel to a turning mechanism within the carrousel by driving the optical disk in a first direction with a first side of the optical disk in a first orientation with respect to the carrousel; the optical disk is rotated with the turning mechanism to position the disk's first side in a different second orientation with respect to the carrousel; the disk is delivered from the turning mechanism to the carrousel by driving the optical disk in a direction opposite to the first direction with the first side of the optical disk in the second orientation with respect to the carrousel; thereafter, the disk is delivered to the optical reader and the data is read from the second side.

Claim 26 stands rejected as anticipated by Deis. Deis uses a gravity instead of a more mechanically complex system to move a disk through the magazine; this mechanical simplicity is at the heart of Deis's invention. Deis not only fails to teach a turning mechanism within a carrousel that can function as called for in claim 26, but adding such a turning mechanism to Deis would frustrate the stated goal of mechanical simplicity. Hence, claim 26 is distinguishable from and unobvious over Deis. Otaka does not cure Deis's deficiencies, so claim 26 is patentable over any defensible combination of these references.

V. Claims 27 and 32-35

Claim 27 recites a method of reading data from an optical disk. The optical disk is held in a carrousel. If data from the first side of the optical disk is to be read, then it is delivered to an optical reader and the data is read. If data from the second side of the optical disk is to be read, then: the disk is delivered to a turning mechanism and is rotated about an axis that is substantially perpendicular to its rotational axis; the disk is delivered to the carrousel; the optical disk is delivered to the optical reader; and the data is read.

Aspects of claim 27 parallel aspects of claim 25 discussed above. By analogy to that discussion, claim 27 and dependent claims 32-35 are patentable over Otaka.

VI. Conclusion

In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. § 112 and patentably define over the applied art. A Notice of Allowance is, therefore, respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3848.

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Respectfully submitted,

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